

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

MARCUS YODER MILLER,

Plaintiff,

vs.

NANCY A. BERRYHILL,
Acting Commissioner of Social Security,

Defendant.

Civil No. 3:17-CV-05475-JLR

ORDER

It is hereby ORDERED that the Commissioner's final decision should be reversed and remanded for a new hearing pursuant to sentence four of 42 U.S.C. §405(g). The hearing shall be de novo, and Plaintiff may submit new evidence and raise new issues. Further, upon remand, the Administrative Law Judge will reconsider the nature and severity of the claimant's headaches; reconsider the opinions of the State agency medical consultants, Drs. Kester and Fitterer, and examining psychiatrist Dr. McCabe; reassess the claimant's maximum residual functional capacity; schedule a new administrative hearing; and issue a new decision. Upon proper application, Plaintiff shall be eligible for attorneys' fees under the Equal Access to Justice Act, 24 U.S.C. § 2412 et seq.

DATED this 22nd day of January 2018.


UNITED STATES DISTRICT JUDGE

Presented by:

s/ David J. Burdett

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